

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BILLY STRAHAN,

§

Plaintiff,

§

v.

§ CIVIL ACTION NO. H-10-2441

WASTE MANAGEMENT,

§

Defendant.

ORDER

The plaintiff, Billy Strahan, moves to reopen this Title VII race discrimination case. Final judgment was entered in December 2011 based on the Memorandum and Opinion granting the summary judgment motion filed by the defendant, Waste Management. In the motion to reopen, Strahan argues that the ruling is inconsistent with the previous order granting his motion for a jury trial, that he did not know of the motion, that the June 2009 traffic citation that was a basis for the job termination challenged in this suit was later dismissed, and that he can provide witnesses to testify that his former supervisor discriminated against African Americans. (Docket Entry No. 49).

None of these arguments meets the requirements for altering or amending a judgment under Rule 59(e) of the Federal Rules of Civil Procedure. The legal basis for granting a timely filed request for a jury trial is separate from, and does not affect, a later-filed motion for summary judgment. The record shows that the summary judgment motion was properly served on Strahan, who had ample opportunity to respond and to present the evidence that he now cites as additional information the court should have considered. None of the grounds Strahan cites would warrant

altering or amending the judgment, given the grounds that this court set out in detail in granting Waste Management's summary judgment motion.

The motion to reopen is denied.

SIGNED on February 6, 2012, at Houston, Texas.


Lee H. Rosenthal
United States District Judge